

S.B. 499

S.B. 899

**EIGHTIETH DAY**  
(Continued)  
(Thursday, May 24, 1973)

After Recess

The Senate met at 8:00 o'clock a.m. and was called to order by Senator Hightower.

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 291.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 918 (Mauzy) (31-0)(31-0)

S.B. 970 (Brooks) (31-0)(31-0)

S.B. 976 (Traeger) (31-0)(31-0)

(Senator Adams in Chair)

S.B. 989 (Mengden) (31-0)(31-0)

S.B. 992 (Herring) (31-0)(31-0)

S.C.R. 114 (Herring) (vv)

S.R. 827 (Andujar) (vv)

S.R. 836 (McKinnon) (vv)

H.B. 55 (Santiesteban) (31-0)(31-0)

H.B. 76 (Mauzy) (31-0)(31-0)

H.B. 155 (Mauzy) (29-2) Sherman and Creighton "Nay" (29-2) Sherman and Creighton "Nay"

H.B. 224 (Brooks) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 331 (Blanchard) (31-0)(31-0)

H.B. 337 (Harrington) (31-0)(31-0)

H.B. 365 (Mauzy) (31-0)(31-0)

H.B. 470 (Traeger) (31-0)(31-0)

H.B. 545 (Longoria) (31-0)(31-0)

H.B. 602 (Brooks) (31-0)(31-0)

H.B. 635 (Creighton) (31-0)(31-0)

H.B. 645 (Moore) (31-0)(31-0)

H.B. 683 (Hightower) (31-0)(31-0)

H.B. 685 (Schwartz) (31-0)(31-0)

H.B. 735 (Santiesteban) (29-2) Creighton and Adams "Nay" (29-2)  
Creighton and Adams "Nay"

H.B. 738 (Santiesteban) (28-3) Mauzy, Clower and Adams "Nay" (28-3)  
Mauzy, Clower and Adams "Nay"

H.B. 762 (Herring) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 838 (Sherman) (30-1) Clower "Nay" (30-1) Clower "Nay"

H.B. 835 (Adams) (31-0)(31-0)

H.B. 865 (Aikin) (31-0)(31-0)

H.B. 877 (Brooks) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 974 (Schwartz) (30-1) Patman "Nay" (30-1) Patman "Nay"

H.B. 976 (Wallace) (31-0) Jones "Nay" (30-1) Jones "Nay"

H.B. 1159 (Jones) (31-0)(31-0)

H.B. 1168 (Traeger) (31-0)(31-0)

H.B. 1184 (Mauzy) (31-0)(31-0)

H.B. 1201 (Braecklein) (30-1) Clower "Nay" (30-1) Clower "Nay"

H.B. 1230 (Brooks) (27-4) Mauzy, Snelson, Clower and Creighton "Nay"  
(27-4) Mauzy, Snelson, Clower and Creighton "Nay"

H.B. 1240 (Mauzy) (31-0)(31-0)

H.B. 1281 (Hightower) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1398 (Mauzy) (30-1) Creighton "Nay" (30-1) Creighton "Nay"

H.B. 1422 (Schwartz) (30-1) Clower "Nay" (30-1) Clower "Nay"

H.B. 1444 (Mengden) (31-0)(31-0)

H.B. 1482 (Sherman) (31-0)(31-0)

H.B. 1485 (Traeger) (31-0)(31-0)

H.B. 1489 (McKinnon) (31-0)(31-0)  
H.B. 1491 (Brooks) (31-0)(31-0)  
H.B. 1519 (Santiesteban) (31-0)(31-0)  
C.S.H.B. 1520 (Santiesteban) (31-0)(31-0)  
H.B. 1531 (Sherman) (31-0)(31-0)  
H.B. 1555 (Snelson) (31-0)(31-0)  
H.B. 1570 (Blanchard) (31-0)(31-0)  
H.B. 1588 (Traeger) (31-0)(31-0)  
H.B. 1589 (Hightower) (31-0)(31-0)  
H.B. 1591 (Creighton) (31-0)(31-0)  
H.B. 1602 (Creighton) (31-0)(31-0)  
H.B. 1610 (Adams) (31-0)(31-0)  
H.B. 1624 (Hightower) (31-0)(31-0)  
H.B. 1629 (Moore) (31-0)(31-0)  
H.B. 1635 (Blanchard) (31-0)(31-0)  
H.B. 1640 (Traeger) (31-0)(31-0)  
H.B. 1644 (Santiesteban and Longoria) (31-0)(31-0)  
H.B. 1654 (Creighton) (31-0)(31-0)  
H.B. 1658 (Longoria) (31-0)(31-0)  
H.B. 1660 (Jones) (31-0)(31-0)  
H.B. 1667 (Herring) (31-0)(31-0)  
H.B. 1674 (Patman) (31-0)(31-0)  
H.B. 1682 (Traeger) (31-0)(31-0)  
H.B. 1685 (Traeger) (31-0)(31-0)  
C.S.H.B. 1686 (Blanchard) (31-0)(31-0)  
H.B. 1687 (Sherman) (31-0)(31-0)  
H.B. 1688 (Snelson) (31-0)(31-0)  
H.B. 1696 (Adams) (31-0)(31-0)  
H.B. 1697 (Schwartz) (31-0)(31-0)  
H.B. 1706 (Snelson) (31-0)(31-0)

H.B. 1709 (Adams) (31-0)(31-0)

H.B. 1710 (Adams) (31-0)(31-0)

H.B. 1715 (Schwartz) (31-0)(31-0)

H.B. 1722 (Hightower) (31-0)(31-0)

H.B. 1730 (Longoria) (31-0)(31-0)

H.C.R. 36 (Longoria) (vv)

H.C.R. 54 (Jones) (vv)

H.C.R. 69 (Jones) (vv)

H.C.R. 75 (Herring) (vv)

H.C.R. 77 (Mauzy) (vv)

H.C.R. 116 (Adams) (vv)

H.C.R. 127 (Creighton) (vv)

H.C.R. 138 (Creighton) (vv)

H.C.R. 141 (Blanchard) (vv)

H.C.R. 142 (Snelson) (vv)

H.C.R. 168 (Creighton) (vv)

H.C.R. 171 (Herring) (vv)

H.C.R. 182 (Longoria) (vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

C.S.S.B. 536 (Clower)--

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 536 by striking the language after the word "population" in Section 2(a) and adding the following:

"of more than 1,200,000 according to the last preceding federal census, if the largest city in that county exercises general zoning authority, may, acting through its commissioners court, regulate subdivision development and maintain reasonable construction standards within the unincorporated territory of the county by orders adopted under provisions of this Act."

The amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 536 by renumbering Section 8 as Section 9 and the succeeding sections accordingly and inserting a new Section 8 to read as follows:

"Sec. 8. EXCEPTIONS. This Act does not enable the commissioners court to require alter actions or changes in, or to impose additional regulations or requirements on, structures or the use of land as designated in plans and applications which have been designated or approved by the United States Department of Housing and Urban Development pursuant to Title VII of the Urban Growth and New Community Development Act (Public Law 91-609, approved December 31, 1970)."

The amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

C.S.S.B. 639 (Clower)--

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 639 by striking the language after the word "population" in Section 4 and adding the following:

"of more than 1,200,000 according to the last preceding federal census, if the largest city in that county exercises general zoning authority, may regulate and restrict the height, number of stories, and size of buildings and other structures except farm and agriculturally related structures and facilities, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the buildings, structures, and land for trade, industry, and places and areas of historic and cultural importance and may regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures. County regulatory authority shall apply only to unincorporated territory located outside the boundaries of incorporated cities, towns, and villages."

The amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 639 by adding the following to Section 4:

"The authority granted the commissioners court under this Act shall not extend to the regulation of the use of land in unincorporated territory situated in whole or in part within the extraterritorial jurisdiction of any city, if the city has, by ordinance, assumed jurisdiction for land use standards within its extraterritorial jurisdiction."

The amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend C.S.S.B. 639 by deleting the period at the end of the first sentence in Section 6a and substituting therefor a comma and adding the following:

"except farm and agriculturally related structures and facilities."

The amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

**S.B. 977 (Herring)--**

Senator Traeger offered the following amendment to the bill:

Amend S.B. 977 by striking all below the enacting clause and substituting the following:

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Subsections (c) and (d), Section 67.21, Texas Education Code, are amended to read as follows:

"(c) The board may levy and collect from each student a compulsory fee for establishing, operating, maintaining, improving, equipping, constructing, adding to and/or remodeling the existing Texas Union building or any other Texas Union building or buildings on the campus of the University of Texas at Austin as may be authorized by the board, of not to exceed \$15 for each regular semester and \$7.50 for each term of each summer session, with such fees to be deposited to an account known as the Texas Union Fee Account. The activities of any such Texas Union building or buildings financed in whole or in part by this fee shall be limited to those activities in which the entire student body is eligible to participate, and in no event shall any of the activities so financed be held outside of the territorial limits of the campus of The University of Texas at Austin.

"(d) The fees thus collected and placed in the Texas Union Fee Account shall be placed under the control of and subject to the order of the board of directors of the Texas Union building or buildings, which board shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the fees in such amounts as will be sufficient to meet the budgetary needs of any such Texas Union building or buildings, within the limits herein fixed."

Sec. 2. All laws or parts of laws in conflict with this Act are repealed to the extent of such conflict only.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Amend S.B. 977 by striking all above the enacting clause and substituting the following:

**"A BILL****TO BE ENTITLED**

An Act authorizing the Board of Regents of The University of Texas System to levy and collect from each student attending The University of Texas at Austin a compulsory fee for establishing, operating, maintaining, improving, equipping, constructing, adding to, and/or remodeling the existing Texas Union building or any other Texas Union building or buildings on the campus of The University of Texas at Austin as may be authorized by the Board of Regents; amending Subsections (c) and (d), Section 67.21, Texas Education Code; repealing all laws in conflict; and declaring an emergency."

The amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

H.B. 548 (Santiesteban)--

Senator Santiesteban offered the following Committee Amendment to the bill:

Amend H.B. 548, Section 2 by deleting the period after the word "traded" on p. 2, line 26, and substituting a comma in lieu thereof and the following language:

"but shall not retain a right of entry to the surface for the production or exploration of said subsurface minerals with the exception of the right to use designated production and exploration sites to be selected by the Land Commissioner and specifically set out and described in the patent from the State of Texas."

The Committee Amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

H.B. 705 (Schwartz)--

Senator Schwartz offered the following Committee Amendment to the bill:

Amend H.B. 705 by adding the words "or the Coastal and Marine Affairs Council" between the words "63rd Legislature" and the words "and to" in Section 1 of the bill.

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

H.B. 859 (Jones)--

Senator Jones offered the following amendment to the bill:

Amend H.B. 859 by striking all below the enacting clause and substituting the following:

"Section 1. The office of county auditor of McCulloch County is abolished.

"Sec. 2. The Commissioners Court of McCullough County shall require that an annual audit of their books and records be made by an outside Certified Public Accounting Firm selected by the Commissioners Court with the approval of the district judge of the state judicial district in which McCullough County is located. Such annual audit shall verify, among other things, that all expenditures of funds authorized by the Court were made according to applicable law.

"Sec. 3. This Act takes effect only if and when an election is called and held by the commissioners court in which the ballots are printed to provide for voting for or against the proposition, 'Abolishing the office of county auditor,' and in which a majority of the qualified voters of the county voting on the proposition vote in favor of the proposition as shown by the official canvass of the returns of the election by the commissioners court.

"Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (28-3) Sherman, Creighton and Clower "Nay" (28-3) Sherman, Creighton and Clower "Nay"

H.B. 901 (Moore)--

Senator Moore offered the following Committee Amendment to the bill:

Amend H.B. 901 by substituting the words "Texas Department of Labor Relations" in lieu of the words "Bureau of Labor and Standards" where they appear.

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

H.B. 1504 (Blanchard)--

Senator Mauzy offered the following amendment to the bill:

Amend H.B. 1504 so that Article 4494h in Section 1 reads as follows:

"(a) Any county in this State having a population of not less than five thousand (5,000) and not more than ten thousand three hundred and ninety (10,390) inhabitants according to the last preceding federal Census, shall have authority to lease any county hospital or a portion thereof belonging to said county to be operated by the lessee of same under such terms and conditions as may be satisfactory to the Commissioners Court of said county and the lessee. The action of the Commissioners Court in leasing such hospital or a portion thereof shall be evidenced by order of the Commissioners Court, which order shall be recorded in the minutes of said court. The proposed lease of such hospital or portion thereof shall not be completed until the Commissioners Court of such county shall have complied with the provisions of this Act.

"(b) When the Commissioners Court of any such county owning and operating its hospital shall determine and find that it is to the best interest of such county that such hospital or portion thereof be leased, it shall be the duty of the Court to fix a time and place at which such question will be heard and considered by it, which date shall be not less than fifteen (15) days nor more than thirty (30) days from the date of the order. The county clerk shall forthwith issue a notice of such time and place of hearing, which notice shall inform all qualified electors of said county and all other persons who may be interested in the question of the leasing of such county hospital or portion thereof of the time and place of the hearing and of their right to appear at such hearing and contend for or protest the proposed leasing of the county hospital or portion thereof. The county clerk shall cause such notice to be published in such county once a week for two (2) consecutive weeks prior to the time set for hearing and considering such question by the Court, the date of the first publication to be at least fourteen (14) days prior to the date fixed for conducting such hearing. If there is no newspaper published in such county, notice of such hearing shall be given by posting a notice thereof at the county



courthouse door for fourteen (14) days prior to the date fixed for such hearing and determination.

"(c) If, by the time fixed for such hearing and consideration by the Court, as many as ten per cent (10%) in number of the qualified voters of said county shall petition the Commissioners Court in writing to submit to a referendum vote the question as to whether or not the county hospital or portion thereof shall be leased or shall be continued under county operation, then such Commissioners Court shall not be authorized to lease such hospital or portion thereof and shall not finally lease the same unless the proposition to lease such county hospital or portion thereof is sustained by a majority of the votes cast at said election. Such election shall be held under and governed by the election provisions of Article 4478, Revised Civil Statutes of 1925, of the State of Texas.

"If such petition is not so filed with the county clerk, then the Commissioners Court may proceed with the hearing of all evidence relative to the advisability of leasing such hospital or portion thereof. Any person interested may appear before the Court in person or by attorney and contend for or protest the leasing of such county hospital or portion thereof. Such hearing may be adjourned from day to day and from time to time as the Court may deem necessary. Upon the completion of such hearing the Court may proceed to adjudicate such matter by entering an order determining whether or not such hospital or portion thereof shall be leased. Even though such petition is not filed with the county clerk, the Commissioners Court may at its discretion also submit such question to a vote of the people and may withhold its final determination of such question pending the holding of such election.

"(d) If no petition is submitted upon the date fixed for such hearing, and the Commissioners Court, after holding the hearing, find that due notice has been given, no petition has been filed, and that the proposed leasing of such hospital or portion thereof would be for the best interests and benefit of the county, then such Court may make and cause to be entered upon its minutes an order directing that such county hospital shall be leased. Such court shall thereupon be fully authorized and empowered to lease such county hospital or portion thereof to be operated as a hospital by the lessee of same under such terms and conditions as may be satisfactory to the Commissioners Court and the lessee. The action of the Commissioners Court in leasing such hospital or portion thereof shall be evidenced by an order duly entered, which order shall contain a complete copy of the lease contract and shall be recorded in the minutes of the Court.

"Provided, however, if a petition signed by fifty (50) qualified, property, taxpaying voters of the county is filed with the Commissioners Court in writing to submit to a referendum vote the question as to whether or not the county hospital or portion thereof shall be leased or shall be continued under county operation, then such Commissioners Court shall not be authorized to lease such hospital or portion thereof for a period in excess of five (5) years and shall not finally lease the same for a period in excess of five (5) years unless the proposition to lease such hospital or portion of is sustained by a majority of votes cast at said election."

The amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

H.B. 1553 (Blanchard)--

Senator Blanchard offered the following Committee Amendment to the bill:

Amend H.B. 1553 by striking all below the enacting clause and substituting the following:

Section 1. Subdivision 1, Subsection B, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"1. The membership of said Retirement System shall be composed of any elective State official or appointee in an elective office of the state, including all elected or appointed members of the State Legislature, and District Attorneys receiving salaries paid by the State from the State General Revenue Fund, but shall not include any elective official in the Judicial, Education, District, or County, of the State of Texas other than those expressed eligible as provided herein."

Sec. 2. Subsection B of Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended by adding a new Subdivision 5 to read as follows:

"5. Notwithstanding any other provisions of this Act, it is further provided that a member who has accumulated thirty (30) or more years of creditable service as a member of the Employees Retirement System of Texas and who has service credit of not less than eight (8) years in one or more of the following named offices of the State Legislature: House Administrative Officer, House Chief Clerk, House Journal Clerk, House Enrolling and Engrossing Clerk, House Calendar Clerk, House Sergeant-at-Arms, Secretary of the Senate, Senate Calendar Clerk, Senate Journal Clerk, Senate Enrolling and Engrossing Clerk and Senate Sergeant-at-Arms shall have his service retirement standard annuity computed on a rate of benefit basis of two percent (2%) per year of total creditable service. It is further provided that the service retirement standard annuity so computed shall not exceed eighty percent (80%) of the average monthly compensation of the member for the sixty (60) highest months of compensation during the last one hundred and twenty (120) months of creditable service."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

H.C.R. 99 (Mauzy)--

Senator Mauzy offered the following amendment to the resolution:

Amend H.C.R. 99 by striking all of paragraph 7 dealing with the subpoena power of the committee, beginning on line 2 and ending on line 15 of the second page, and substituting in lieu thereof:

"Resolved, that the committee shall be authorized to hold public hearings for the purpose of collecting all testimony, data, and other information necessary to complete the study."

The amendment was read and was adopted. (vv)

H.B. 1648 (Traeger)--

Senator Traeger offered the following Committee Amendment to the bill:

In Section 2 of the bill delete "1973" and add in its place "1974".

The Committee Amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)(31-0)

### **BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

The following bills were removed from the Local and Uncontested Bills Calendar:

Bill No.	Senators Objecting
S.B. 993	Creighton, Schwartz, McKnight
H.B. 740	Blanchard, Aikin, Creighton
S.R. 432	Patman, Mengden, McKnight
H.B. 1251	Creighton, Blanchard, McKnight
H.B. 1684	Creighton, Blanchard, McKnight
H.B. 1523	Blanchard, Creighton, Jones

### **CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Adams in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

### **ADJOURNMENT**

On motion of Senator Hightower the Senate at 9:45 o'clock a.m. adjourned until 10:00 o'clock a.m. today.

### **EIGHTY-FIRST DAY (Thursday, May 24, 1973)**

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Bracklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

Dr. James L. Stoner, Central Christian Church, Austin, Texas, offered the invocation as follows:

O God, help us realize that more important than the headlines we make is the good we do; more important than the bill we sponsor is the Master we serve;